



July 26, 2021

VIA EMAIL

Chief, Freedom of Information/Privacy Acts Office
U.S. Small Business Administration
409 Third St. SW, eighth floor
Washington, DC 20416
FOIA@sba.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, 6 C.F.R. Part 5, American Oversight makes the following request for records.

On December 17, 2018, the Small Business Administration's (SBA) Office of Disaster Assistance awarded RER Solutions a contract to assist SBA with processing the Economic Injury Disaster Loan (EIDL) program.¹ While the initial contract award had a \$100 million ceiling, after the onset of the COVID-19 pandemic, SBA used its emergency contracting powers to expand the award amount to \$750 million in a non-competitive process.² The House Select Subcommittee on the Coronavirus Crisis reported that RER Solutions, despite being the prime contractor for the project, appeared to be performing a small fraction of the work involved in EIDL processing; Rocket Loans, and its affiliate, Rapid Finance, appeared to be doing the majority of the work.³ SBA regulations prohibit prime contractors from paying more than 50% of the contract's overall value to subcontractors that are not small businesses.⁴

Additionally, the SBA Office of the Inspector General, in their examination of SBA's initial disaster assistance response to the pandemic, concluded that SBA approved billions of dollars' worth of potentially fraudulent COVID-19 EIDL applications. As of July 31, 2020, SBA approved \$14.3 billion in EIDLs to accounts that differed from the original bank accounts listed on loan applications; \$62.7 billion in multiple EIDLs to

¹ USA Spending, *Indefinite Delivery / Indefinite Quantity (IDIQ) Contract*
PIID: 73351019D0001,

https://www.usaspending.gov/award/CONT_IDV_73351019D0001_7300.

² Letters from Reps. James E. Clyburn (House Select Subcommittee on the Coronavirus Crisis) and Nydia M. Velázquez (House Committee on Small Business) to Will Tumulty (Rapid Finance), Errin Green (RER Solutions), and Jay Farner (Rocket Loans), Feb. 11, 2021, <https://coronavirus.house.gov/news/press-releases/clyburn-and-vel-zquez-ramp-investigation-sba-loan-program-plagued-fraud>

³ *Id.*

⁴ *Id.*



applicants using the same IP addresses, email addresses, bank accounts, or businesses listed at the same addresses; and approximately \$1.1 billion in EIDLs and emergency advance grants to potentially ineligible recipients.⁵

American Oversight seeks records with the potential to improve the public’s understanding of how RER Solutions, Rocket Loans, and Rapid Finance have been managing the Economic Injury Disaster Loan (EIDL) program, including any fraud controls implemented.

Requested Records

American Oversight requests that the Small Business Administration (SBA) produce the following records within twenty business days:

1. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) **between** (a) any of the individuals listed in Column A below and (b) any of the individuals or entities listed in Column B below, containing any of the following terms:

Column A: SBA Employees	Column B: Outside Entities
a. Isabella Casillas Guzman (SBA Administrator)	a. Dan Gilbert (Rock Holdings/Quicken Loans)
b. Tami Perriello (Former Acting SBA Administrator)	b. Errin Green (RER Solutions, Inc.)
c. Chris Pilkerton (Former Acting SBA Administrator)	c. Will Tumulty (Rapid Finance)
d. Jovita Carranza (Former SBA Administrator)	d. Jay Farmer (Rocket Loans)
e. Linda McMahon (Former SBA Administrator)	e. Eleanor (Elle) Patout (elle@communicationspreferred.com)
f. Antwaun Griffin (Chief of Staff)	f. Munt Alhussain (Rock Holdings/Quicken Loans)
g. William Manger (Former Chief of Staff)	g. Megan Hansen (Cummings) (Rock Holdings/Quicken Loans)
h. Mary Anne Bradfield (Former Chief of Staff)	h. Ryan Eaton (Rock Holdings/Quicken Loans)
i. Christopher Gray (Former Deputy Chief of Staff)	i. Nicole Booth Ehrbar (Rock Holdings/Quicken Loans)
j. Arthur Plews (Deputy Chief of Staff)	j. Chrissi Johnson (Rock Holdings/Quicken Loans)
k. Bibi Hidalgo (Associate Administrator)	k. Langston Emerson (langston@cypressgroupdc.com or langston@mindsetdc.com)
	l. Bridget F. Hagan (bridget@mindsetdc.com or

⁵ SBA Office of the Inspector General, Report 21-02, *Inspection of Small Business Administration’s Initial Disaster Assistance Response to the Coronavirus Pandemic*, Oct. 28, 2020, <https://www.sba.gov/sites/default/files/2020-10/SBA%20OIG%20Report%2021-02.pdf>

<ul style="list-style-type: none"> l. Francis Spampinato (Former Associate Administrator) m. Robb Wong (Former Associate Administrator) n. Antonio Doss (Deputy Associate Administrator) o. James Rivera (Associate Administrator) p. Barbara E. Carson (Deputy Associate Administrator) q. Kem Fleming (Former Acting Deputy Associate Administrator) r. Rafaela Monchek (Former Deputy Associate Administrator) s. William (Bill) Briggs (Former Acting Administrator) t. Anyone serving as White House Liaison or as agency point of contact for the White House Coronavirus Task Force (including in an Acting capacity) 	<ul style="list-style-type: none"> bridget@cypressgroupdc.com or bridget.f.hagan@gmail.com) m. Christopher (Chris) Brown (chris@mindsetdc.com or chris@cypressgroupdc.com) n. Jay Ghazal (jghazal@ghazalassociates.com) o. Anyone with an email address ending with @polariswdc.com p. Anyone with an email address ending in mc-dc.com or @mvc-dc.com or @mehlmancastagnetti.com q. Anyone with an email address ending in @pwc.com or @us.pwc.com r. Michael Hauswirth (PricewaterhouseCoopers) s. George Manousos (PricewaterhouseCoopers) t. J. Todd Metcalf (PricewaterhouseCoopers) u. Susan Mooradian (PricewaterhouseCoopers) v. Pamela Olson (PricewaterhouseCoopers) w. David Shapiro (PricewaterhouseCoopers) x. Margaret Daum (margaret.daum@squirepb.com)
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Key Terms:

- i. “Economic Injury Disaster Loan”
- ii. EIDL
- iii. “Disaster Loan”
- iv. “RER Solutions”
- v. “Rock Family of Companies”
- vi. “Rock Holdings”
- vii. “Rock Ventures”
- viii. “Rock Connections”
- ix. “Rock Security”
- x. “Rock Ventures”
- xi. Amrock
- xii. “Rocket Loans”
- xiii. “RocketLoans”
- xiv. “Rocket Pro”
- xv. “Rocket Mortgage”
- xvi. “Rapid Finance”

- xvii. “Rapid Decisions”
- xviii. “Quicken Loans”
- xix. Nexsys
- xx. “Dan Gilbert”

For all parts of this request, please provide all responsive records from November 1, 2018 through the date the search is conducted.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.”⁶ The public has a significant interest in how federal agencies manage and allocate COVID-19 relief programs. Records with the potential to shed light on the role of contractors and subcontractors in the pursuit of distributing relief funds would contribute significantly to public understanding of federal government operations, including how RER Solutions, Rocket Loans, and Rapid Finance have managed the EIDL program. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.⁷ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁸

⁶ 5 U.S.C. § 552(a)(4)(A)(iii).

⁷ See 5 U.S.C. § 552(a)(4)(A)(iii).

⁸ American Oversight currently has approximately 15,652 page likes on Facebook and 106,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 29, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited March 29, 2021).

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁹ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the Trump Administration’s contacts with Ukraine and analyses of those contacts;¹⁰ posting records and editorial content about the federal government’s response to the Coronavirus pandemic;¹¹ posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;¹² the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers;¹³ and posting records and analysis of federal officials’ use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹⁴

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records:

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

⁹ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

¹⁰ *Trump Administration’s Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

¹¹ See generally *The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; see, e.g., *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

¹² See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

¹³ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹⁴ See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo’s 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.¹⁵ It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.¹⁶
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,¹⁷ and many

¹⁵ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

¹⁶ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

¹⁷ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records

agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Hart Wood at foia@americanoversight.org or by phone at 202-873-1743. Also, if American

Directive," M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Hart Wood

Hart Wood
on behalf of
American Oversight